

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 1511.

(Given pursuant to section 4 of the Food and Drugs Act.)

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### MISBRANDING OF ORANGE CURAÇAO, CRÈME DE MENTHE, PALMETTO JAMAICA RUM; AND ADULTERATION AND MISBRANDING OF MARASCHINO.

At the November term of the District Court of the United States for the Northern District of California the grand jurors of the United States within and for said district, acting upon reports by the Secretary of Agriculture, returned an indictment against E. G. Lyons & Raas Co., a corporation, San Francisco, Cal., charging shipment by it, in violation of the Food and Drugs Act—

(1) On March 2, 1910, from the State of California into the State of Utah, of a consignment of one case of so-called Orange Curaçao, which was misbranded. Each of the bottles containing the product in said cases was labeled in part: "Royaume des Pays-Bas Je Maintiendrai Fyne Likeuren Dubb Orange Curaçao E. Dubreuil & Fils, New York, San Francisco, Paris." Examination by the Bureau of Chemistry of this Department showed the product to be of domestic manufacture.

(2) On February 14, 1910, from the State of California into the State of Arizona of a consignment of five cases of so-called Crème de Menthe which was misbranded. Each of the bottles containing the product in said cases was labeled in part: "Crème de Menthe Artificially Colored." "Extra Superfine. Liqueurs E. Dubreuil & Fils. Guaranteed under Serial Number 1670" "These liqueurs are prepared with the finest ingredients obtainable and are guaranteed to conform strictly with the National Pure Food Law under the Act of June 30th, 1906." Examination by the Bureau of Chemistry of this Department showed the product to be of domestic manufacture.

Misbranding was alleged in the indictment as to shipments (1) and (2) for the reasons that the labels on the products were false and misleading in that said labels and the impressions and words thereon gave and would give to the purchaser thereof the impression and were calculated to deceive and mislead the purchaser into the belief

that the same were foreign products, and through said labels and the impressions and words thereon, they purported to be foreign products, whereas in truth and in fact they were not and are not foreign products, but domestic products and are manufactured within the United States.

(3) On April 19, 1910, from the State of California into the State of Colorado of a consignment of three cases of so-called Palmetto Jamaica Rum, which was misbranded. Each of the bottles in the three cases containing the product was labeled: "Extra Old Reserve" "Type of Palmetto Jamaica Rum Blend John Tyndal & Co. Brand Compounded with Pure Distillate Guaranteed under serial Number 5408". Examination by the Bureau of Chemistry of this Department showed the product to be a compound of spirits with a rum flavor and with none of the characteristics of Jamaica Rum. Misbranding was alleged in the indictment for the reason that the words "type of", "blend", "brand", and "compound of pure distillate" were in small type and placed in such a position on the label as not to be readily observed, thereby giving to the purchaser the impression that the contents of said bottle were Palmetto Jamaica Rum and manufactured by John Tyndall & Co., and for the further reason that the label was calculated to deceive and mislead the purchaser into the belief that the product was Palmetto Jamaica Rum, and manufactured by John Tyndall & Co., whereas in truth and in fact it was not manufactured by John Tyndall & Co., and was not Palmetto Jamaica Rum or a blend thereof, but was a compound of spirits with a rum flavor and had none of the characteristics of Palmetto Jamaica Rum or of Jamaica Rum.

(4) On or about April 19, 1910, from the State of California (into the State of Colorado) of a consignment of three cases of so-called maraschino, which was adulterated and misbranded. Each of the bottles in the three cases containing the product was labeled: "Maraschino E. Dubreuil & Fils Guaranteed under Serial Number 16701." Examination by the Bureau of Chemistry of this Department showed the product to be of domestic origin, with a decided taste of bitter almonds, and having none of the characteristics of maraschino, such as is produced in Zara, Dalmatia. Adulteration was alleged in the indictment for the reason that an imitation maraschino had been substituted wholly or in part for the genuine maraschino, and that the contents of each of said bottles was a liqueur with a decided taste of bitter almonds and having none of the characteristics of genuine maraschino. Misbranding was alleged for the reason that the label and the impression thereon and the grass cover were false and misleading in that they gave and would give to the purchaser thereof the impression, and were calculated to deceive and mislead the purchaser

into the belief that the product was a foreign product of genuine maraschino, and through said label and the impression and words thereon and the said grass cover did purport to be a foreign product, whereas in truth and in fact it was not and is not a foreign product, but is a domestic product and manufactured within the United States and is an imitation maraschino, having a decided taste of bitter almonds and having none of the characteristics of genuine maraschino.

On January 20, 1912, the defendant corporation entered a plea of guilty and was sentenced to pay a fine of \$25.

W. M. HAYS,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 2, 1912.*

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